

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Samual Ramu,)	
)	
Plaintiff,)	
)	Civil Action No. 1:21-4140-BHH
v.)	
)	<u>ORDER</u>
Amber Burnett; Captain Joshua McKie;)	
George Williams; and Elaine Freeman,)	
)	
)	
Defendants.)	
_____)	

This matter is before the Court upon Plaintiff Samual Ramu’s (“Plaintiff”) pro se complaint filed pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for initial review.

On August 22, 2022, Magistrate Judge Shiva V. Hodges filed a Report and Recommendation (“Report”) outlining the issues and recommending that the Court dismiss this case pursuant to Rule 41(b) of the Federal Rules of Civil Procedure based on Plaintiff’s failures to prosecute and respond to Defendants’ motion for summary judgment. Attached to the Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to

which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s findings and recommendations.

Accordingly, the Court adopts and incorporates the Magistrate Judge’s Report (ECF No. 35) and hereby dismisses this action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure based on Plaintiff’s failure to prosecute.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

September 13, 2022
Charleston, South Carolina